

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

D. Remarks1. Rejection of Claims 1 and 10 Under 35 U.S.C. §101.

5      Applicant has amended claims 1 and 10 as suggested by the Examiner. Such amendments are believed to remove any uncertainty regarding the statutory class of the claims.

2. Rejection of Claims 1, 3, and 6-18 Under 35 U.S.C. §112, Second Paragraph.

10     Applicant has amended claims 1, 10-12 and 15 as suggested by Examiner. Accordingly, this ground for rejection is now believed to be moot.

3. Rejection of Claims 1, 3, 6-10, 12-13 and 15-18 Under 35 U.S.C. §103(a), based on *Wittsche* (U.S. Patent No. 6,556,975) in view of *Cronin* (U.S. Patent Publication No. US 2001/0032145 A1) further in view of *Burg et al.* (U.S. Patent No. 6,456,699) and further in view of *Reyda et al.* (U.S. Patent Publication 2002/0002501).

15     As is well known, in proceedings before the Patent and Trademark Office, the examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art.<sup>1</sup>

A standard for patentability with respect to obviousness has been enunciated by the Supreme Court of the United States.

20     Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined<sup>2</sup>

25     Applicant thanks the Examiner for detailed explanation for the rejection. However, Applicant believes that the reference teachings indicate Applicant's claimed subject matter contains matter that is nonobvious over the cited reference teachings and rejection rationale.

a. Scope and Content of the Cited Art.

<sup>1</sup> *Ex parte Obukowicz*, 27 USPQ 1063, 105 (B.P.A.I. 1992).

<sup>2</sup> *Graham v. John Deere*, 383 U.S. 1 (1966).

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1) Applicant's Understanding of Witsche.

Witsche teaches a computer system and method for providing an on-line mall. In particular, Witsche teaches an on-line mall that presents one page for all stores in the mall. All mentions of a "home page" set forth within Witsche describe one homepage: that of the on-line mall, not any particular store within a community of the on-line mall:

The search engine, advertisements, browsing options, and gift registry options are shown in the home page or initial page of the on-line mall website. (Witsche, Col. 10, Lines 37-49, emphasis added).

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If the customer selects step 810 the advertisement in FIG. 12A being displayed on the home page website of the on-line mall, then the specific merchandise displayed in the advertisement is displayed in step 836 in FIG. 12B. (Witsche, Col. 10, Lines 37-49, emphasis added).

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If upon entry into the on-line mall home page the customer selects to enter the gift registry in step 814 in FIG. 12A, the gift registry page is displayed in step 837 in FIG. 12B. (Witsche, Col. 11, Lines 10-11, emphasis added).

20 Thus, the discussions of home pages within the reference Witsche are directed to a single home page for the entire on-line mall.

Within the on-line mall, individual merchants can establish an on-line mall store. Importantly, the on-line mall stores are described as having a restricted inventory:

25 The on-line mall store is viewed as a separate store of the overall merchant's store that may be available on a different website than the on-line mall. Thus, the on-line store includes a subset of the merchandise available from the merchant. (Witsche, Col. 8, Lines 30-34, emphasis added).

30 As understood all of the above, Witsche teaches a single homepage for an on-line mall. Individual on-line mall stores are accessible from the on-line mall website. Such on-line mall

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stores include a subset of merchandise available from a merchant.

2) Applicant's Understanding of Cronin.

*Cronin* teaches a method for using a web-based marketing and/or management tool.

- 5     *Cronin* teaches that a uniform resource locator (URL) includes a protocol indicator, a host name, a domain name, and an extension:

[T]he URL of the main web page for the White House is <http://www2.whitehouse.gov>. The protocol, located before the colon, indicates which protocol to use in requesting the web page... the hostname, www2, which identifies the computer server, and the domain name, whitehouse. The .gov extension identifies the computer as belonging to the United States government. Other common extensions are .com... and .edu... (*Cronin*, Paragraph [0004]).

- 15    Thus, *Cronin* teaches the composition of a url.

*Cronin* also teaches an arrangement in which a customer accesses a group website with a group url, and then accesses individual business owner information by entering a unique site-code when at the group website.

- 20    [Accessing the web-site by the at least one potential customer using the group URL... inputting the first *unique site-code* to an input field of the web-site by the at least one potential customer. Fifth, accessing the customized information to the individual business owner by the at least one potential customer. (*Cronin*, Paragraph [0013], emphasis added).]

- 25    Unique site-codes of *Cronin* are never shown or suggested to be related to url content.

*Cronin* teaches its system is usable for each member of a business franchise:

- 30    [Collateral material 100 is developed for each... member of... business franchise. (*Cronin*, Paragraph [0027])].

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Importantly, the use of unique site codes allows multiple members (e.g., members of a business franchise) to have their own websites under a single URL.

5       The present invention relates... in particular to a method... *that allow multiple users to have their own web-sites under a single URL.* (Cronin, Paragraph [0026], emphasis added)

10      Accordingly the above shows an arrangement that can allow members of a franchise to have their own web-sites under a single URL by accessing the one URL and then entering a unique code.

3) Applicant's Understanding of Burg et al.

15      Burg et al. teaches the web-based generation of telephone-based interactive voice response applications. Like Wittsche, Burg et al. teaches a single homepage:

These two structured databases are accessible to a Web server 82 which is registered as the homepage URL... The server functions as the homepage URL and URL of all linked pages. (Burg et al., Col. 7, Lines 58-63).

20      [T]he system creates a home page using the introductory IVR menu 25... The home page includes this non-response information... (Burg et al., Col. 9, Lines 16-19).

Thus, Burg et al. teaches a system that creates one home page using various types of information.

25      4) Applicant's Understanding of Reyda et al.

Reyda et al. teaches a system and method for independent retailer (IR) business-to-business market exchange, where such IRs can be franchised members:

30      The invention is... Internet trade exchange designed as a full-service marketplace for... small business retailers... The "independent retail sector" as used in this

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specification and appended claims means retailers that are: (a) franchised and/or independently owned and/or independently operated (collectively "IRs")...(*Reyda et al.*, Paragraph [0025]).

5 Thus, *Reyda et al.* teaches an Internet trade exchange for use with franchised business retailers.

*Reyda et al.* also teaches a web page that can typically be a home page. However, as in the case of *Wittsche* and *Cronin* above, it is but a single web page for viewing by the stores of a customer:

10 FIG. 9C illustrates the display of a web page, typically a home page, showing typical components for creating the Community. In one embodiment, each customer wishing to utilize the brand deployment system may have a customized communities page for viewing by their stores. (*Reyda et al.*, Paragraph [0073]).

15 b.1. **Differences Between the Cited Art and Independent Claim 1.**

Claim 1 is directed to a franchise system for organizing and establishing a headquarter for business transactions over a network. The franchise system includes at least one headquarter network server, a plurality of franchise store servers, and a plurality of member servers.

The at least one headquarter network server includes, among other features, a merchandise information memory data that includes information for goods sold by the franchise stores, as well as goods not available at one of the franchise stores, but available at the headquarter, a home page creation system that accesses the merchandise information memory data for merchandise information to create a home page of each franchise store, and a franchise store ID system that matches franchise stores to the member accessing the franchise system based on uniform resource locator value set up in advance according to predetermined rules, the uniform resource locator values include a first portion unique to each franchise store and a second portion common to all franchise stores and the headquarters.

In addition, the at least one headquarter network server is configured to send home page data for the home page of each franchise store to at least one predetermined member server, including information from the merchandise information memory data that enables the home

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page of each franchise store to include goods not available at the franchise store but available at the headquarter.

Differences between claim 1 and the cited art are noted below.

1) *Wittsche* teaches a method and system that provides one home page. In contrast, 5 Applicant's claim 1 "home page creation system" creates "a home page of each franchise store".

2) *Wittsche* teaches on-line mall stores accessible from the one home page with restricted inventories. Applicant's claim 1 invention recites the opposite: an expanded inventory: "goods not available at one of the franchise stores, but available at the headquarter" where such data 10 "enables the home page of each franchise store to include goods not available at the franchise store but available at the headquarter".

3) *Cronin* teaches multiple business members (which can be members of a franchise) having websites under a single URL. In sharp contrast, Applicant's claim 1 recites multiple urls 15 "the uniform resource locator values" (emphasizing the plural). Further Applicant's claim 1 urls include "a first portion unique to each franchise store and a second portion common to all franchise stores and the headquarters". *Cronin* is utterly silent as to commonality of url portions.

4) *Burg et al.* teaches an arrangement with a single home page. As emphasized above, Applicant recites multiple home pages.

5) *Reyda et al.*, like all the other references cited above, teaches but one homepage for a customer implementing the invention. Again, Applicant's claim 1 recites multiple home pages.

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**b.2. Applicant's claim 1 is Nonobvious Over the Cited References.**

Applicant believes that the above analysis has established that none of the cited references shows various features of Applicant's claim, including:

1) "a merchandise information memory data that includes information for goods sold by 25 the franchise stores, as well as goods not available at one of the franchise stores, but available at the headquarter"

2) "a home page creation system that accesses the merchandise information memory data for merchandise information to create a home page of each franchise store".

3) "the uniform resource locator values include a first portion unique to each franchise 30 store and a second portion common to all franchise stores and the headquarters"

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4) "the at least one headquarter network server is configured to send home page data for the home page of each franchise store to at least one predetermined member server, including information from the merchandise information memory data that enables the home page of each franchise store to include goods not available at the franchise store but available at the headquarter".

That is, the cited combination of references does not show shows all the limitations of amended claim 1.

For this reason, Applicant does not think that the rejection can demonstrate that any of the above listed features is an existing prior art or known element. Therefore, the claim 1 invention 10 cannot be considered a combination of *prior art* elements according to known methods, a simple substitution of one *known element* for another, a use of a *known technique* to improve a similar device in the same way, nor a *known work* (or variation thereof) in one field of endeavor the prompts its use in the same or different field.

Further, the rejection has not argued that Applicant's claim 1 invention is an obvious 15 choice from a finite number of predictable solutions, as the rejection reasoning has not identified any list of predictable solutions from where Applicant's features (not demonstrated to be present in the prior art teachings) are selected from.

The rejection has proposed modifying *Wittsche*, in view of *Cronin*, further in view of *Reyda et al.*, even further in view of *Burg et al.* Applicant believes this proposed modification 20 cannot present a *prima facie* showing of obviousness for numerous reasons.

b.2.a) Rationale for Combining *Wittsche* in view of *Cronin*

The rationale for combining *Wittsche* in view of *Cronin* relies on the following assertion:

25 *Cronin* teaches an ecommerce system, wherein the uniform resource locator value includes a first portion unique to each store and second portion common to all franchise stores and the headquarters (Para 0004 and Para 0014). (See the Office Action, dated 08/09/2007, Page 9, Lines 1-3).

30 Applicant believes the above statement is not supported by the reference. An examination of paragraphs [0004] and [0014] of *Cronin* show that the claimed url teachings are not shown.

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Further, the above rationalc statement contradicts the express teachings of the cited reference, as noted above:

5        The present invention relates... in particular to a method... that allow multiple users to have their own web-sites *under a single URL*. (*Cronin*, Paragraph [0026], emphasis added)

Accordingly, reliance upon *Wittsche* in view of *Cronin* cannot show Applicant's features related to url composition.

10      To show Applicant's feature related to url composition, the rejection also appears to rely on teachings outside of the cited references:

15      [A] URL specifies... *optionally, the path to a resource (such as an HTML document or a file on that server)*... By definition, a URL... already includes what applicant refers to as "unique compound address" and a "subaddress", i.e., identifier(s) after a domain name that uniquely identify the path to a resource...  
(Office Action, dated 08/09/2007, Page 9, Lines 3-10, italics in original).

20      Applicant respectfully requests that the factual basis for the above statement be entered into the record (i.e., official notice be taken, or citation to a reference be made). Absent such, a prima facie showing cannot be made, as the above assertion is unfounded (i.e., cannot be a factual finding).

Following the above initial assertion, the rejection then argues it is possible to arrive at Applicant's invention:

25      For example in this case, the subaddress *could have been* the global address for the headquarter server. (Office Action, dated 08/09/2007, Page 9, Lines 11-12, emphasis added)

30      That is, the rejection argues a modification could have been made but provides not suggestion or motivation as why one skilled in the art would have made such a modification. Absent such

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reasoning, the above reasoning cannot present a prima facie case.

The stated motivation for combining *Wittsche* in view of *Cronin* is as follows:

[O]ne of ordinary skill in the art would have been motivated to extend the system  
of *Wittsche* with a system for an ecommerce system... the system matching  
stores to the person accessing the franchise system based on uniform resource  
locator values set up in advance according to predetermined rules. In this  
manner, the member will be accessing the appropriate site with which they are  
affiliated and the purchases will be credited to the appropriate distributor/store.

(See the Office Action, dated 08/09/2007, Page 8, Lines 10-17).

First, Applicant respectfully asserts that this rationale is per se not sufficient for a prima facie case as it is entirely unsubstantiated. The standard for rejecting a claim under this type of reasoning requires more:

To reject a claim based on this rationale... Office personnel must then articulate the following: (1) a finding that there was some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify, the reference or to combine reference teachings; (2) a finding that there was a reasonable expectation of success; and (3) whatever other *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.<sup>3</sup>

That is, the rejection has not established that the above rationale is from any of the references, or in the knowledge generally available to one skilled in the art.

Secondly, Applicant notes that the above combination cannot arrive at Applicant's invention. As emphasized above, *Wittsche* teaches one homepage, while *Cronin* teaches one url.

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<sup>3</sup> Examination Guidelines for Determining Obviousness Under 36 USC 103 In view of the Supreme Court Decision in *KSR International Co. v. Teleflex, Inc.*, F.R., Vol. 72, No. 195, 10/10/2007.

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A combination of the two cannot arrive at Applicant's multiple home pages absent some additional modification – which is never mentioned. The same can be said for Applicant's url features. The above modification still fails to show "the uniform resource locator values include a first portion unique to each franchise store and a second portion common to all franchise stores  
5 and the headquarters", and never indicates how or why one would be motivated to modify the reference teachings to arrive at such a feature.

Thirdly, Applicant believes that even if combining *Wittsche* in view of *Cronin* could establish a prima facie case, the express teachings of *Cronin* would rebut any such prima facie case. As noted above, *Cronin* expressly teaches allowing users to have multiple websites under  
10 one url. This teaches directly away from Applicant's features of multiple homepages having different urls between franchise stores. Such indicia of nonobviousness have been well recognized by the Federal Circuit:

15 A prima facie case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention.<sup>4</sup>

Accordingly, Applicant believes that the cited motivation for combining *Wittsche* in view of *Cronin* appears based on facts not supported by the reference, and rationales without basis in the references themselves or any other suitable factual basis.

20 b.2.b) Rationale for Combining *Wittsche* in view of *Cronin* further in view of *Burg et al.*

The rationale utilized to combine these three reference is as follows:

25 It would have been obvious... to modify *Wittsche* and *Cronin* to include a home page creation system that accesses the merchandise information memory data... to create a home page of each franchise/community store, as disclosed in *Burg*, because it would advantageously allow customers/visitors to access basic information about all the retail stores, their locations, products/services provided without physically visiting those stores, thereby increasing customer service. (See the Office Action, dated 08/09/2007, Page 9, Line 18 and Page 10,  
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<sup>4</sup> In re Geisler, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997).

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Line 2).

This rationale, as that utilized to combine *Wittsche* in view of *Cronin*, is provided without any indication as to source/basis. Accordingly, it cannot be sufficient to establish a prima facie case.

Secondarily, Applicant disputes the following factual assertion of the above reasoning:

[T]o create a home page of *each* franchise/community store, as disclosed in *Burg*...

*Burg et al.*, like *Cronin* and *Wittsche* never teaches multiple home pages, only a single home page. Thus, the assertion that *Burg et al.* teaches the creation of home pages for each of multiple stores is believed to be flawed.

Accordingly, because the cited motivation for combining *Wittsche* in view *Cronin*, further in view of *Burg et al.* appears based on facts not supported by the reference, and rationales without basis in the references themselves or any other suitable factual basis.

b.2.c) Rationale for Combining *Wittsche* in view of *Cronin* further in view of *Burg et al.*; even further in view of *Reyda et al.*

The rationale for further combining *Reyda et al.* with the combination *Wittsche/Cronin/Burg et al.* is as follows:

[!]It would have been obvious... to modify *Wittsche*, *Cronin*, and *Burg* to include that said communities to include franchise stores, as disclosed in *Reyda*, because it would advantageously allow one to offer well known brand names of goods and/or services, which would attract more customers, thereby increasing revenue. (See the Office Action, dated 08/09/2007, Page 10, Lines 7-11).

Applicant argues that this rationale suffers from the defect common to the previous rationales: it is unsubstantiated, and hence cannot establish a prima facie case of obviousness.

For all of these reasons, Applicant respectfully requests that the rejection of claim 1 be reconsidered.

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b.2.d) Limitation of "goods not available at one of the franchise stores, but available at the headquarter"

The rejection explicitly does not consider Applicant's following claim 1 features:

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"a merchandise information memory data that includes information for goods sold by the franchise stores, as well as goods not available at one of the franchise stores, but available at the headquarter"

10 The rejection argues that "goods not available at one of the franchise stores, but available at the headquarter" should not be afforded any patentable weight, as it is nonfunctional descriptive material. Applicant respectfully disagrees.

15 Applicant's claim must not be examined piecemeal, disregarding particular features individually without reference to their interrelationship with other parts of the same claim. This is well settled:

USPTO personnel must consider all claim limitations when determining patentability of an invention over the prior art.<sup>5</sup>

20 Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. 101.<sup>6</sup>

25 Applicant's claim 1 is not reciting a portion of a headquarter server "merchandise memory data" per se. Rather the recited portion of data has an explicit claimed functional/structural relationship with the headquarter server:

"the at least one headquarter network server is configured to send home page

<sup>5</sup> *In re Gulack*, 217 USPQ 401, 403-04 (Fed. Cir. 1983).

<sup>6</sup> M.P.E.P. §2106.01.

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data... that enables the home page of each franchise store to include goods not available at the franchise store but available at the headquarter..." (Applicant's claim 1).

5 Accordingly, Applicant believes the above limitations should be given patentable weight.

Despite not giving patentable weight to such limitations, the rejection appears to argue that such features are obvious nonetheless:

10 Regarding "goods not available at the franchise store but available at the headquarter" feature, Official Notice is take that it is old and well known that a franchise store is supported by its headquarter. Therefore, it would have been obvious.... to include that the home page of each franchise store includes goods not available at the franchise store but available at the headquarter, because it would advantageously provide customers with a full range of products offered by  
15 said franchise. (Office Action, dated 08/09/2007, Page 16, Last paragraph).

First Applicant seasonably traverses such notice and requests a reference in support.

Second, even if the above argued teachings are well known, they do not support proposed modification. Support of a franchisee is one thing, proposing the very arrangement set forth in  
20 Applicant's claim 1 is another. Applicant believes providing support for a franchisee according to Applicant's claimed feature can only be considered obvious with the benefit of prohibited hindsight.

For all of these reasons, Applicant respectfully requests that the rejection of claim 1 be reconsidered.

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**c.1. Differences Between the Cited Art and Independent Claim 10.**

The invention of claim 10 is directed to an electronic franchise shopping system for a plurality of franchise stores that comprises a plurality of franchise store servers and at least one headquarter network server.

30 The at least one headquarter network server comprises a goods master data base that stores goods information for goods sold by the plurality of franchise stores, such goods including

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goods available at a particular franchise store and not available at the particular franchise store but available at a headquarter, a member entry data base, a franchise store data base, a franchise store identification (ID) system.

The at least one headquarter network server is configured to provide a home page for an accessing member according to unique web page data for each franchise store and goods information from the goods master data base that enables the home page to include information for goods not available at the particular franchise store but available at the headquarter.

Differences between claim 10 and the cited art are noted below.

1) *Wittsche* teaches a method and system that provides one home page. In contrast, Applicant's claim 1 includes "at least one headquarter network server configured to provide a home page... according to unique web page data for each franchise store".

2) *Wittsche* teaches on-line mall stores accessible from the one home page with restricted inventories. Applicant's claim 10 invention recites the opposite: an expanded inventory of "goods not available at the particular franchise store, but available at the headquarter" where such data "enables the home page of each franchise store to include goods not available at the franchise store but available at the headquarter".

3) *Burg et al.* teaches an arrangement with a single home page. As emphasized above, Applicant recites multiple home pages.

4) *Reyda et al.*, like all the other references cited above, teaches but one homepage for a customer implementing the invention. Applicant recites a home page "for each franchise store".

c.2. Claim 10 is Nonobvious Over the Cited References.

Applicant incorporates by reference the same essential comments set forth above for claim 1. In particular, because the cited art appears to lack various features of claim 10, Applicant does not believe that the rejection can demonstrate that "a goods master data base including goods available at a particular franchise store and not available at the particular franchise store but available at a headquarter" or "at least one headquarter network server that enables the home page to include information for goods not available at the particular franchise store but available at the headquarter" are existing prior art or known elements. Accordingly, Applicant does not believe that claim 10 can be considered a combination of *prior art* elements

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according to known methods, a simple substitution of one *known element* for another, a use of a *known technique* to improve a similar device in the same way, nor a *known work* (or variation thereof) in one field of endeavor the prompts its use in the same or different field. No evidence has been presented to show that claim 10 is an obvious choice from a finite number of 5 predictable solutions.

Further, the proposed modification is believed to not show all of Applicant's claim 10 limitations, and teachings present in the cited reference teach away from combination as well as the rejected claim.

Finally, limitations were improperly excluded from the patentability analysis, and when 10 properly considered, show features neither shown nor suggested by the cited references.

For these reasons, Applicant respectfully requests the rejection of claim 10 be reconsidered.

**d.1. Differences Between the Prior Art and Independent Claim 15.**

15 The invention of claim 15 is directed to an electronic franchise shopping system for a plurality of franchise stores, comprising: at least one headquarter server and a plurality of franchise servers each corresponding to a different franchise store.

The at least one headquarter server includes a goods master data base that stores merchandise data for merchandise sold by all franchise stores, a member entry data base, a 20 franchise store data base that stores the franchise store code for each franchise store, a home page data base that stores home page data for each franchise store, a franchise store identification (ID) system, and an order processing system.

The at least one headquarter server is configured to send home page data according to a first type universal resource locator (url) and a plurality of second type urls, the first type url 25 comprising a url common to the system, each second type url corresponding to a different franchise store. The at least one headquarter server is also configured to send a unique home page for each second type url, each such unique home page including merchandise data for merchandise available at the franchise store, and merchandise not available at the franchise store but available at a headquarter location.

30 Differences between claim 15 and the cited art are noted below.

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1) *Wittsche* teaches a method and system that provides one home page. In contrast, Applicant's claim 15 recites "home page data for each franchise store" as well as "at least one headquarter server that sends home page data according to a plurality of second type urls" with each second type url "corresponding to a different franchise store".

5 2) *Wittsche* teaches on-line mall stores accessible from the one home page with restricted inventories. Applicant's claim 15 recites the opposite: an expanded inventory "merchandise not available at the franchise store, but available at a headquarter location".

10 3) *Cronin* teaches multiple business members (which can be members of a franchise) having websites under a single URL. Applicant's claim 15 recites multiple urls, including "a first type" url and a "plurality of different second type urls".

4) *Burg et al.* teaches an arrangement with a single home page. Applicant recites multiple home pages in claim 15.

5) *Reyda et al.* teaches but one homepage for a customer implementing the invention. Again, Applicant's claim 15 recites multiple home pages.

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c.2. **Claim 15 is Nonobvious Over the Cited References.**

Applicant incorporates by reference the same essential comments set forth above for claim 1. In particular, because the cited art appears to lack various claim features, Applicant does not believe that the rejection can demonstrate that such missing features are existing prior art or known elements, so claim 15 cannot be a combination of *prior art* elements according to known methods, a simple substitution of one *known element* for another, a use of a *known technique* to improve a similar device in the same way, nor a *known work* (or variation thereof) in one field of endeavor the prompts its use in the same or different field. No evidence has been presented to show that claim 15 is an obvious choice from a finite number of predictable solutions.

Further, the proposed modification is not believed to show all of Applicant's claim 15 limitations, and teachings present in the cited reference teach away from combination as well as the rejected claim.

Finally, when claim 15 is properly considered as a whole (no features are excluded), the claim 15 includes features not shown in the cited references.

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For these reasons, Applicant respectfully requests the rejection of claim 15 be reconsidered.

Claims 1, 10 and 15 have been amended, not in response to the cited art, but according to  
5 the Examiner's suggestion to more clearly recite the claimed subject matter and ensure one  
statutory class is claimed. Claim 12 has been amended to correspond to the amendments made in  
claim 10.

The present claims 1, 3, and 6-18 are believed to be in allowable form. It is respectfully  
10 requested that the application be forwarded for allowance and issue.

Respectfully Submitted,

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